

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DIOCESE OF HARRISBURG,</b>	:	<b>CIVIL ACTION NO. 1:07-CV-2283</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>SUMMIX DEVELOPMENT COMPANY, <i>et al.</i>,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 10th day of December, 2008, upon consideration of defendants' motion to compel (Doc. 19), and in light of the telephone conference held with counsel of record on the date of this order, it is hereby ORDERED that:

1. The motion (Doc. 19) is GRANTED in part and DENIED in part as follows:
  - a. The motion is GRANTED insofar as it requests that plaintiff identify those individuals who are most knowledgeable about (i) the location of physical documents subject to defendants' production requests and (ii) plaintiff's practices for retention of electronically stored information ("ESI").
  - b. The motion is DENIED in all other respects.
2. Defendants shall be entitled to depose any individual identified pursuant to Paragraph 1.a for the purpose of determining whether documents subject to production requests exist in hard copy. Such depositions may also inquire into plaintiffs' ESI retention practices and the feasibility of recovering ESI deleted thereunder. Defendants shall be entitled to depose *at least* the following individuals: (a) David A. Smith, (b) Terrence J. Kerwin, and (c) plaintiff's information technology manager or other individual who supervises plaintiff's ESI retention practices.

3. Nothing contained herein prevents defendants from renewing the motion to compel after developing a comprehensive factual record on the issue of document spoliation.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge